

Before the
Federal Communications Commission
Washington, DC 20554

AUG 08 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of) MM Docket No. 97-138
)
Review of Commission Rules)
Regarding the Main Studio and)
Local Public Inspection File Rules)

To: The Commission

COMMENTS

Crawford Broadcasting Company, ("Crawford"), by its attorney, respectfully submits the following comments in response to the Commission's Notice of Proposed Rule Making ("NPRM") issued in the above-captioned proceeding.

Crawford, through its affiliated companies, is the licensee of over 20 radio stations in ten states. The call signs and respective communities of license for these stations are set forth on Exhibit A, hereto. Crawford has roughly 40 years continuous experience as a radio station licensee and operator. During this period Crawford has accumulated significant practical experience regarding main studio location and public file contents and availability. The following comments are drawn from that experience and years of dealing with the public on these issues.

MAIN STUDIO RULE

Crawford agrees with the observations in the NPRM that the present main studio rules are outdated. Statutory changes and changing consumer preferences have created conditions which bear little resemblance to those which existed when the current rules

were promulgated.

A station's main studio should be "reasonably located." This reasonableness should realistically consider the technical advances in communication and transportation as well common access by the general public to this technology. In the larger markets which Crawford serves, its listeners may live 40 to 50 miles from an existing main studio under the present rules. They listen to the station in their home, car or work place as they go about their daily lives. Crawford observes that in the smaller and rural areas which it serves, its listeners in large part identify and consider themselves closely associated with, if not a part of, a larger community to which a distant station may be licensed. They also consider their hometown station to serve the larger market because its signal may be heard in the city and the smaller town. Crawford does not recall that any of its listeners ever expressed an interest in the main studio location, even in markets where the listeners are 40 miles from the main studio.

It is difficult in many cases to identify the specific boundaries of some communities. The concept of the city limits is something recognized more by map makers and census takers than the public at large. The boundaries of a metropolitan area are typically in a state of flux as the population and commerce patterns shift and suburban areas develop. Over the years in Denver and Detroit,¹ Crawford has experienced its listeners moving to growing suburban areas farther and farther from the

¹ Two of Crawford's oldest stations.

city limits. Yet, these listeners still consider themselves citizens of the metropolitan area. These listeners find that travel, even sometimes 40-50 miles, reasonable to manage their daily lives.

Crawford submits that a station should be allowed to locate its main studio anywhere within its .5 mV/m contour. Although that might create the opportunity for a station to locate the main studio some distance from the center of the community of license, it would also give the licensee flexibility to locate its studio while continuing to serve its community of license and service area.

At the very least a licensee should have the absolute discretion to locate the main studio within 35 miles from the very center of the community of license regardless of coverage. So often, economics dictate a co-located studio and transmitter site. A 35-mile radius from the transmitter site is a short commute consistent with commonly accepted travel patterns and should satisfy the requirement of reasonable access to a main studio.

Although Crawford agrees that it would be equitable to allow smaller stations to locate anywhere within the coverage contours of larger stations licensed to the same community, such a standard may be vague, subject to interpretation and difficult to implement or enforce. On the other hand, allowing a station the right to chart its own geographical area for economic activity based on the strength and reality of its signal contour with a

clear and precise standard of miles from the community center would allow considerable licensee discretion and provide reasonable access for the public, something Crawford sees as a realistic and reasonable win-win situation.

Certain accommodations could be considered for listeners who travel more than 35 miles to access the main studio. For example, the studio could be made available by appointment during non-routine business hours, an 800 number could be installed, and documents could be delivered to a requester as post visit accommodations.

PUBLIC FILE

The public inspection file should be maintained and made available at a station's main studio, wherever located, rather than within the city limits of the community of license. In Crawford's case, each station's hub of operations is its main studio, where public affairs, programming, community outreach, and sales operations occur. If a party desires to view the public file, it is far more likely to expect to do so at the main studio staffed by station personnel, rather than at a public documents registry or other location in the community of license.

Moreover, when the public file is maintained at the main studio, the station is better able to administer the file and ensure that the public right to prompt access to a complete file is adequately addressed as required under the rules. This immediacy can be jeopardized when the file is maintained at a remote location.

PUBLIC FILE CONTENTS

The absolute maximum public file document retention period should be until a station's next broadcast license renewal is granted and no longer subject to reconsideration. When a license is renewed, the old public file is immaterial. However, many categories of documents should be maintained for shorter periods.

Under current rules, many categories of documents must be held for the longer of eight years or until the next license renewal is granted and no longer subject to appeal or reconsideration. When the retention periods were originally developed, radio license renewal periods were shorter. Therefore, the turnover of public file documents was faster than allowable under today's retention periods which have expanded commensurately with the license renewal periods to the current eight year cycle. For example, a station must now maintain up to fifteen years worth of applications for which a public notice is required, ownership reports, annual employment reports and EEO programs. This is a tremendous record keeping burden, especially considering that some of those documents could have little bearing on the current license period.

The holding period for ownership reports should be no more than one year for corporate licensees. These reports are updated annually. When a corporate licensee relies on a letter certifying no change of ownership, the station should retain a copy of the most recent Form 323 filed with the Commission.

The quarterly programs and issues reports should be main-

tained for one year only. In Crawford's experience, important local public issues change rapidly. Current important issues often bear little resemblance to issues over a year old. Crawford has never had a member of the public comment or inquire about an issue more than a year old. In addition, there has never been any interest shown in how an issue was treated historically. The only interest shown by its listeners has been about current issues and not those that have played themselves out.

Applications filed with the Commission should be retained for no more than six months after the grant of the application is final and no longer subject to appeal or reconsideration. In nearly 40 years of broadcast experience, no member of the public has ever asked Crawford to view any application other than one awaiting action at the Commission. Moreover, such requests have been extremely rare and have never occurred at most Crawford stations.

License renewal applications, corroborating documentation and related correspondence from the FCC should be maintained until the next license renewal is granted and no longer subject to appeal or reconsideration.

In Crawford's experience, the two year retention period for the political file is extreme and unnecessary. No member of the public has ever shown any interest in any Crawford political file more than 30 days after the date of the election or political event. Given the amount of record keeping required, and the number of candidates which may be purchasing time on a station,

these files can be quite large. Since so little interest has ever been shown in Crawford's political files, there is no practical reason to retain the file longer than ninety days.

The requirement to retain letters received from the public should be eliminated. In Crawford's experience, retaining these letters is administratively burdensome and of no practical benefit to the public or licensee. Crawford considers and reacts to letters from the public immediately in its sole discretion as to what response will serve the public interest. After the matter is handled, Crawford knows of no reason to retain the letters. Crawford cannot recall any instance where a member of the public requested to view such documentation or expressed any value in having the documentation available for inspection. There is no practical reason to maintain this material.

Licensee's should not be required to retain any documentation prepared or filed by a previous station licensee. While the public file can serve an important purpose between a licensee, the Commission and the public, the public file record developed by past licensees is immaterial to current licensees. Crawford is aware of no instance when the public file record developed by a prior licensee was used as evidence of a current licensee's regulatory compliance or as a measure of the current licensee's ability to meet its public interest mandate. Accordingly, there is no practical reason to obligate a station to retain the material of former licensees.

Crawford applauds the Commission desire to review its rules and, where appropriate, reduce regulatory burdens that have no practical effect or purpose.

Respectfully Submitted,

CRAWFORD BROADCASTING COMPANY

By 

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EXHIBIT A

Dontron, Inc.

KPBC(AM) Garland, Texas

WYCA(FM) Hammond, Indiana
WYBA(FM) Lansing, Illinois

Kiertron, Inc.

KBRT(AM) Avalon, California
KCBC(AM) Riverbank, California

WMUZ Radio, Inc.

KJSL(AM) St. Louis, Missouri
KSTL(AM) St. Louis, Missouri
WEXL(AM) Royal Oak, Michigan
WLLZ(AM) Monroe, Michigan

WMUZ(FM) Detroit, Michigan

Kimtron, Inc.

WDCW(AM) Syracuse, New York
WDJC(AM) Birmingham, Alabama
WDCD(AM) Albany, New York
WDCZ(AM) Rochester, NY

WDCX(FM) Buffalo, New York
WDJC-FM Birmingham, Alabama
WDCD-FM Clifton Park, NY
WDCZ-FM Webster, New York

KPHP Radio, Inc.

KKSL(AM) Lake Oswego, Oregon
KKPZ(AM) Portland, Oregon

KLZ Radio, Inc.

KLZ(AM) Denver, Colorado
KLDC(AM) Brighton, Colorado
KLTT(AM) Commerce City, Colorado